

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NICOLE SMITH,

Plaintiff,

v.

PLANNED PARENTHOOD OF THE
ST. LOUIS REGION, PLANNED
PARENTHOOD FEDERATION OF
AMERICA, and FICTITIOUS PARTIES
A-M,

Defendants.

No. 4:03-CV-1727 CAS

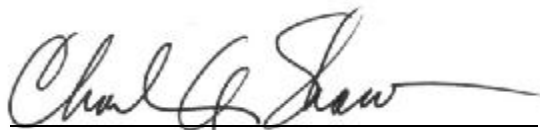
ORDER OF DISMISSAL

In accordance with the memorandum and order of this date and incorporated herein,

IT IS HEREBY ORDERED that plaintiff's claims in Counts IV and V of the Amended Complaint are **DISMISSED** for failure to state a claim upon which relief can be granted. See Rule 12(b)(6), Fed. R. Civ. P.

In the alternative, **IT IS FURTHER ORDERED** that plaintiff's claims in Counts IV and V of the Amended Complaint are **DISMISSED** without prejudice for failure to prosecute.

Costs are assessed against plaintiff.



**CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE**

Dated this 21st day of September, 2005.